

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Caesarea Develle James, Jr.,

Plaintiff,

v.

Guaranteed Rate, Inc.,

Defendant.

Case No. 1:09cv673

Judge Michael R. Barrett

ORDER


This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on September 22, 2010 (Doc. 39).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Defendant's Motion to Dismiss (Doc. 5) is **DENIED as moot**; Plaintiff's Motion for Temporary Restraining Order and Injunction (Doc. 24) are **DENIED as moot**; and Defendant's Application for Entry of Default (Doc. 27) is **DENIED**. Plaintiff will have until October 25, 2010 within which to file an answer or pleading in response to Defendant's Counterclaim which is consistent with the Opinion of the Magistrate Judge.

IT IS SO ORDERED.


Michael R. Barrett
United States District Judge